

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **PHENYL-AZA-BENZIMIDAZOLE COMPOUNDS FOR MODULATING IgE AND INHIBITING CELLULAR PROLIFERATION**; the specification of which was filed on **September 12, 2003** as Application Serial No. **10/661,296**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: **60/410,761**

Filing Date: **September 12, 2002**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jagadish C. Sircar**

Inventor's signature Jagadish C. Sircar

Date 11/14/03

Residence: **4832 Riding Ridge Road, San Diego, CA 92130**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of second inventor: **Richard J. Thomas**

Inventor's signature Richard J. Thomas

Date 11/17/03

Residence: **12627 Sarsaparilla St., San Diego, CA 92129**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of third inventor: **Mark L. Richards**

Inventor's signature Mark L. Richards

Date November 19, 2003

Residence: **8532 B Via Mallorca, La Jolla, CA 92037**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of fourth inventor: **Anjana Sinha**

Inventor's signature Anjana Sinha

Date 11/14/03

Residence: **13459 Tiverton Road, San Diego, CA 92130**

Citizenship: **USA**

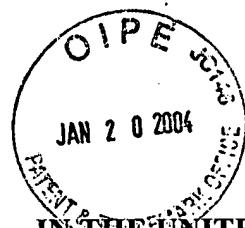
Post Office Address: **Same as Above**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

AVANIR.112A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jagadish C. Sircar, et al.)
App. No. : 10/661,296)
Filed : September 12, 2003)
For : **PHENYL-AZA-BENZIMIDAZOLE**)
 COMPOUNDS FOR MODULATING IgE)
 AND INHIBITING CELLULAR)
 PROLIFERATION)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040

App. No. : 10/661,296
Filed : September 12, 2003

Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

AVANIR PHARMACEUTICALS

Dated: 11/24/03

By: Jagadish C. Sircar
Jagadish C. Sircar, Ph.D.

Title: Vice President Drug Discovery

Address: 11388 Sorrento Valley Road, Suite 200
San Diego, CA 92121

CCT-5330.DOC:cb 112103

COPY

Application No.: 10/661,296
Filing Date: September 12, 2003

PATENT

Client Code: AVANIR.112A

Page 1

ASSIGNMENT

WHEREAS, We, Jagadish C. Sircar, a citizen of the United States of America, residing at 4832 Riding Ridge Road, San Diego, CA 92130; Richard J. Thomas, a citizen of the United States of America, residing at 12627 Sarsaparilla St., San Diego, CA 92129; Mark L. Richards, a citizen of the United States of America, residing at 8532 B Via Mallorca, La Jolla, CA 92037; and Anjana Sinha, a citizen of the United States of America, residing at 13459 Tiverton Road, San Diego, CA 92130, have invented certain new and useful improvements in a **PHENYL-AZA-BENZIMIDAZOLE COMPOUNDS FOR MODULATING IgE AND INHIBITING CELLULAR PROLIFERATION**, for which we have filed an application for Letters Patent in the United States, Application No. 10/661,296, filed on September 12, 2003;

AND WHEREAS, Avanir Pharmaceuticals (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 11388 Sorrento Valley Road, Suite 200, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14/15 day of November, 2003.

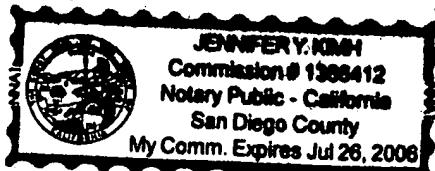
STATE OF California }
COUNTY OF San Diego } ss.

Jagadish C. Sircar

On November 14, 2003, before me, Jennifer Y. Kimb, Notary Public, personally appeared Jagadish C. Sircar personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimb
Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of November, 2003.



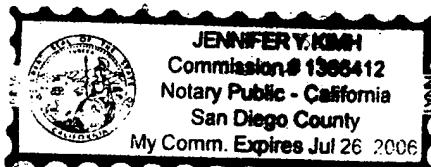
Richard J. Thomas

STATE OF California }
 |
 San Diego } ss.
COUNTY OF San Diego

On November 17, 2003, before me, Jennifer Y. Kimb, Notary Public, personally appeared Richard J. Thomas personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

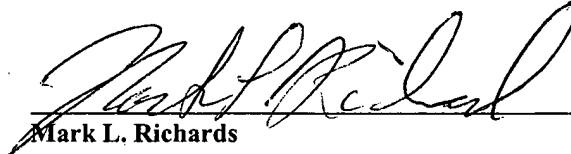
WITNESS my hand and official seal.

[SEAL]



Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of November, 2003.



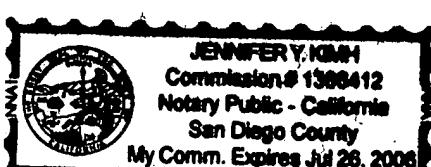
Mark L. Richards

STATE OF California }
 |
 San Diego } ss.
COUNTY OF San Diego

On November 19, 2003, before me, Jennifer Y. Kimb, Notary Public, personally appeared Mark L. Richards personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14th day of NOV., 2003.



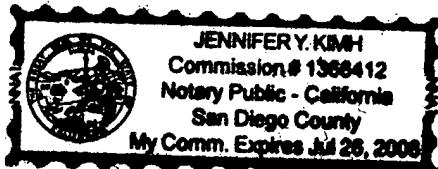
Anjana Sinha

STATE OF California }
COUNTY OF San Diego } ss.

On November 14, 2003, before me, Jennifer Y. Kimh, Notary Public, personally appeared Anjana Sinha personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL.]



Jennifer Y. Kimh
Notary Signature

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COPY